IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.27 OF 2005
IN
ARBITRATION PETITION NO.142 OF 2003

M/s.Raj & Company ....Appellant
Petitioner

V/s.

Union of India & Ors. ....Respondents

Mr.Uday Sankar Samudrala for the Appellant.

Mr.S.M. Shah i/b Geeta Shastri for the Respondent.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 28TH MARCH, 2005.

P.C. :

. The challenge is to the order of the learned single Judge dismissing a Petition under Section 34 of the Arbitration and Conciliation Act, 1996. It appears from the record that the Arbitrator had issued as many as five notices to the Petitioner but he failed to appear and ultimately an ex-parte award came to be passed. According to the Petitioner, the Managing Director of the Petitioner was bed-ridden and therefore, he could not remain present before the Arbitrator. However, no evidence whatsoever is

produced about the alleged sickness. On the contrary, it is seen from the affidavit in reply filed by the Respondents that during this period, the Managing Director was attending to the business. No interference is therefore warranted with the order of the learned single Judge.

2. Appeal is dismissed.